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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/578,443   | 05/05/2006  | Takeshi Shiba        | 80059(302721)       | 2800             |
| 21874 7590 06/17/2008<br>EDWARDS ANGELL PALMER & DODGE LLP<br>P.O. BOX 55874<br>BOSTON, MA 02205 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| PATEL, BHARAT C  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3724   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 06/17/2008   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/578,443

Applicant(s)

SHIBA ET AL.

Examiner

BHARAT C. PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 and 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/06)  
Paper No(s)/Mail Date 5/1/08, 6/14/07, 5/107, 5/5/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Election/Restrictions***

1. Applicant's election without traverse of Group IIa, claims 1, and 5-7 in the reply filed on 5/1/2008 is acknowledged.

Claims 2-4 and 8-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected groups I, IIb and IIc, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/1/2008.

***Specification***

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

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Extensive mechanical and design details of apparatus should not be given.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it contains legal phraseology such as "comprising" and includes phrases that can be implied such as "in accordance with the present invention or the feature of the present invention".

Appropriate correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Locke 5,185,926 in view of Kobler 2,562,104.

Re claim 1, Locke teaches a hand grip 27 configured to be gripped by a user's hand, a blade head 25 provided on an upper end of said hand grip, the blade head 25 carrying at least one shaving unit 30, 31, 32 comprising an outer blade foil 22, 23, 24, and an inner blade 30, 31, 32 driven in a shearing engagement manner with the outer blade foil 22, 23, 24, the outer blade foil having a plurality of holes in which hairs are introduced per col. 5, lines 62-66, said outer blade foil being elongated and having a length and being curved along a width direction to form a generally C-shaped cross section, said outer blade foil 22, 23, 24 being curved convexly per Figs. 1-9. and uniformly along its length to have a longitudinal curved outline. However, Locke fails to teach that a radius of curvature of said longitudinal curved outline is 150 mm to 350. Kobler teaches that a radius of curvature of the longitudinal curved outline along cutting surface 2 is from 50 mm to 200 for the purpose of providing an improved cutting surface.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide Locke's cutting head with curved outline along cutting surface, as taught by Kobler (col. 3, lines 3-10), in order to enhance the span of effective cut and smooth skin contact.

Re claim 5, Locke teaches that the generally C-shaped cross section of said outer blade foil 22, 23, 24 has a transverse arc having a uniform radius of curvature straddling an apex of said outer blade foil per Figs. 2 and 9. Locke fails to teach that the radius of curvature of said transverse arc being in a range of 1.5 mm to 3.5 mm. It should be noted that Locke teaches the different ranges of the radius of curvature per col. 7, lines 26-32, but not the specific range claimed by

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the applicant. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the transverse arc radius in a range of 1.5 mm to 3.5 mm for the purpose of increasing the shaving efficiency in a narrow areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Aller*, 105 USPQ 233 (CCPA 1955).

Re claim 6, Locke teaches that the blade head 25 has a shape having a longitudinal axis across the length of foil members 22, 23 and 24 and a transverse axis across the width of the foil members 22, 23, 24, perpendicular to each other, said blade head 25 carrying two said shaving units 22 & 50, 23 & 55, each of which is elongated along the longitudinal axis of said blade head, 25 said two shaving units being disposed at opposite ends of said blade head along said transverse axis in a spaced relation to each other per Figs. 1-9. It should be noted that Locke teaches at least two shaving units.

Re claim 7, Locke teaches that generally C-shaped cross section of said outer blade foil 22, 23, has a transverse arc having a uniform radius of curvature straddling an apex of said outer blade foil, said two shaving units made up of 22 & 50 and 23 & 55 being separated from each other at a distance of 0.5 to 2 times the radius of curvature of said transverse arc, said distance being a distance between the apexes of said outer blade foils of said two shaving units per Figs. 7 & 9. It should be noted that the two shaving units by Locke are placed next to

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each other per Figs. 2 or 7, that means the distance of separation between two adjacent cutting units are twice the radius of curvature of traverse arc.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Otsuka (5,463,813), Otani (2004/0006863), Kobler (3,417,467) and Mukai (5,367,771) teach different ranges of radii of curvature and two rows of blades respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/  
Examiner, Art Unit 3724  
May 16, 2008.  
/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724